

ARTICLE 42 – VISITING

Revised May 1, 2003

54020.1 Policy

The California Department of Corrections (CDC) encourages inmates to develop, and maintain, healthy family and community relationships. It is a privilege for inmates to have personal visits while confined in CDC institutions and facilities. Visiting in CDC institutions and facilities shall be conducted in as accommodating a manner as possible in keeping with the need to maintain order, the safety of persons, the security of the institution/facility, and the requirements of prison activities and operations.

Employees are to be alert, courteous, and professional in their dealings with inmates, inmate visitors, and members of the public. The employee shall maintain a helpful, but professional, attitude, and demeanor.

Except as is necessary to enforce standards of conduct, prevent the introduction of contraband, and ensure valid identification, visitor privacy shall not be imposed upon.

Video-recording devices may be utilized in visiting areas, excluding family visiting units or confidential attorney consultation areas.

Smoking is prohibited in all CDC facilities/institutions. All tobacco and tobacco products are prohibited.

54020.2 Purpose

This article establishes methods and procedures to administer the inmate-visiting program and provides operational direction to staff, inmates, and visitors.

54020.3 Definitions

Minor

As used in this section, a minor is an unemancipated person, under 18 years of age, who is not the spouse of the inmate being visited.

Clothed Body Search

A clothed body search entails individuals being physically searched by staff. Staff will use their hands to conduct a security search of the person in question. Additionally, staff may use other detection devices to conduct such security searches. Individuals may also be asked to remove outer garments, heavy clothing, and/or shoes to complete the security search.

Unclothed Body Search

An unclothed body search may consist of the removal of a portion or all of an individual's clothing so as to permit a visual inspection by staff of the body and body cavities for security reasons. Additionally, staff may use other nonintrusive detection devices to conduct the security search of the person in question.

Immediate Family Members

In accordance with California Code of Regulations (CCR), Title 15, Division 3, Section 3000, immediate family members are defined as:

- Legal spouse.
- Natural parents.
- Adoptive parents, if the adoption occurred and a family relationship existed prior to the inmate's incarceration.
- Stepparents or foster parents.
- Grandparents.
- Brother or sister, stepbrother or stepsister, foster brother or foster sister.
- Natural children, adoptive children, and grandchildren of the inmate.
- The inmate's legal stepchildren.
- Aunts, uncles, and cousins are not considered immediate family members unless a bona fide foster relationship exists.

Exclusion

An administrative action by the Director or institution head to bar, for cause, a person from entering a CDC institution/facility, when that person would otherwise be permitted to enter.

Suspension

An action by the institution head, or designee, which temporarily ceases the visiting program, or suspends an individual visitor's access to the visiting program, for a specified time.

Termination

An action by the official in charge of visiting, which ends a visit in progress.

Revocation

The denial of visiting privileges or access to the institution/facility for an indeterminate length of time when visiting has been previously approved.

54020.4 Access to Visiting Policies and Regulations

New inmate arrivals shall receive current written local visiting procedures.

Institutions/facilities shall allow visitors access to all visiting policies and regulations. Copies of all visiting regulations and policies shall be maintained by visiting staff to provide access to all interested parties.

Institutions/facilities shall post visiting dress standards and a schedule of visiting days and hours in all visiting centers and processing areas.

54020.5 Dignitaries

Dignitaries, as defined in DOM Chapter 1, Article 14, shall be required to produce official identification, sign the official visitor's log book, receive a visitor's pass, and declare and present the contents of briefcase, computer bags, or other allowable property for evaluation.

Refer to DOM Chapter 1, Article 14, for definitions and instructions related to tours and visits by official visitors and dignitaries.

54020.6 Official Visits by Other Departments/Agencies/Foreign Officials and Other Distinguished Visitors

Officials of other departments/agencies/foreign officials and other distinguished visitors shall be required to produce official identification, sign the official visitor logbook, receive a visitor's pass and submit to a search consisting of a contraband/metal detection and visual search of briefcase or other allowed property.

- Commissioners and Deputy Commissioners of the Board of Prison Terms are not required to submit to contraband/metal detection inspections.

Refer to DOM Chapter 1, Article 14, for definitions and instructions related to visits by members of other departments/agencies.

54020.7 Visiting Days and Hours

Each institution/facility shall establish a schedule that provides a minimum of 12 visiting hours per week. Each institution head shall develop an operational supplement to this section, which includes their respective visiting schedules as follows:

- Visiting days.
 - Four-day visiting: Thursday through Sunday.
 - Three-day visiting: Friday through Sunday.
 - Two-day visiting: Saturday and Sunday.
- Visiting hours.
 - Holiday visiting schedule.
 - Security Housing Units (SHU) and Administrative Segregation Units (ASU) visiting requirements.
 - The institution/facility shall specify procedures and criteria for scheduling an appointment.

Any routine modification to visiting hours and/or days shall be posted in areas accessible to visiting participants at least two weeks prior to implementation. Inmates may visit only during non-work/training hours including "S" time, except as provided in CCR Section 3045.

Emergency Modifications of Visiting Schedule Information

Visiting may, without prior notification, be terminated, temporarily suspended or modified in response to an institution/facility emergency as determined by the institution head or designee. Modification of the visiting schedule, including updates to the telephonic visiting information system, shall be posted as soon as practical. The visiting supervisor, or designee, is responsible for ensuring that the telephonic visiting information system is kept updated on a daily basis to ensure minimal impact on visitors.

54020.8 Visitor Application Procedure

All adult visitors shall be required to obtain the institution/facility's approval before being permitted to visit, except as otherwise authorized in this article.

Visitor applicants shall complete and sign a CDC Form 106, Visiting Questionnaire. In order to retain the status of approved visitor, the CDC Form 106 shall be updated whenever there is a change in the visitor's address, telephone number, or arrest history or periodically upon request. Visitors who have no changes to their personal or arrest history may annotate such by resigning and dating the existing CDC Form 106. The frequency of any periodic update initiated by the institution/facility shall be no more than once every two years.

Upon receipt of an updated CDC Form 106 and absent information that would warrant immediate disapproval, the visitor shall be allowed to visit pending review and approval of the updated information.

A new CDC Form 106 shall be submitted prior to visiting any inmate returned to an institution/facility from parole, or admitted into a substance abuse treatment control unit while on parole

Any visitor approved at one institution/facility, shall be approved to visit the same inmate upon a transfer to another institution/facility provided the visitor's approval status remains unchanged.

The CDC Form 106 shall be processed as follows:

- The inmate is responsible for mailing CDC Form 106 to any prospective visitor(s).
- The applicant shall return the completed form with an original signature via a common carrier, or personal delivery to the institution, Attn: Inmate Visiting.
- The CDC Form 106 shall not be accepted from inmates.
- Visiting staff will process only those Visiting Questionnaires that have been sent by the inmate to a prospective visitor in accordance with the provisions of CCR Subsections 3172(a) and (e). Forms reproduced from any other source, such as from an Internet download, will not be accepted for processing.
- Some other legitimate Verification of inmate mailing of the questionnaire may be proved with an original dated signature provided by the inmate on the form in question. Questionnaires lacking such inmate mailing verification may not be processed absent alternative proof that the requirements of 3172(a) have been met or there is explanation for the absence of a signature.

Acceptable explanations for the absence of a signature include, but are not limited to:

- A documented physical and/or mental condition or disability that may exclude the inmate from mailing and/or signing the questionnaire.
- Verification of inmate mailing has been established by other means such as a date officially stamped by the institution or by a staff signature.
- In accordance with CCR Subsection 3172(e), the visitor has been directed to update a questionnaire on file by designated staff in conjunction with a periodic review or a change in name, address, telephone number, or arrest history.
- When the completed CDC Form 106 is received and processed at the institution/facility, the inmate shall receive a CDC Form 887, Notice of Visitor's Approval/Disapproval.
- Inmates shall be responsible for notifying visitor applicants of their approval to visit.

Visitors may be required to contact the Department of Justice regarding their criminal or arrest history.

54020.8.1 Approval/Disapproval of Application to Visit

The authority to approve or disapprove a CDC Form 106 shall not be delegated below the rank of correctional sergeant, parole agent II or correctional counselor II.

An application to visit may be disapproved in accordance with CCR Section 3172.1.

54020.8.2 Arrest History Inquiry

Upon receipt of the CDC Form 106, an arrest history inquiry shall be completed, and a determination to approve or deny visiting should be made within 30 working days at a minimum, a Criminal Identification and Information (CI&I) report shall be obtained if the California Law Enforcement Telecommunication System lists a CI&I number for the applicant.

Reasons for delay beyond 30 days may be provided to prospective visitors upon inquiry by the individual applicant.

Notification

If the visiting application is disapproved, the applicant and the inmate shall receive from visiting staff via CDC Form 887, written notification of the disapproval and the process to appeal the decision. The visitor shall be informed of the specific reason(s) for disapproval.

54020.8.3 Reconsideration of Disapproval

Reconsideration of disapproval shall occur at the end of the denial period upon receipt of a new CDC Form 106 subject to the provisions of CCR Section 3172.1.

54020.8.4 Revocation of Approval to Visit

An individual's approval to visit may be revoked when:

- Information that would have resulted in visiting denial becomes known after visiting approval has been granted.
- Any activity or event occurs subsequent to an approval to visit that would have resulted in disapproval of the initial application.

54020.8.5 Violations of State Law on Institution/Facility Property

Visitor violations of State or Federal law on institution/facility property may be referred to prosecuting authorities in accordance with CCR Section 3176.2. The visitor's visiting privileges shall be revoked pending investigation and/or court disposition. If the visitor is not prosecuted, or not referred for prosecution, the visitor shall be subject to action in accordance with CCR Subsections 3176.2(a) and (b). If the visitor is found not guilty, or a court dismisses the charges, visiting approval may be restored upon the written request of the visitor.

54020.9 Extenuating Circumstances for Visitor Approval

Exceptions to approval requirements for visitors may be made when death, life-threatening illness, or injury occurs to an immediate family member of the inmate.

Family emergency exceptions shall be made only for an inmate's immediate family members, or clergy.

Each request to visit because of a family emergency shall require proof of the emergency and approval of the supervisor in charge of visiting.

Visitors must present acceptable picture identification, and pass an arrest history inquiry in accordance with this section.

The visit shall be conducted under the direct supervision of visiting or designated staff.

54020.10 Visiting Requirements for Minors

Minors shall be accompanied by an adult who has been approved to visit the inmate.

Approval of an emancipated minor's visit requires a one-time submission of a certified copy of the court order of emancipation. Staff shall make a copy of the order, note that the original is certified, and place it in the inmate's visiting file. Verification of the order shall be noted in the automated visitor information system. The emancipated minor is subject to all the rules and regulations as set forth for adult visitors.

If the accompanying adult is not the parent, legal guardian, or spouse of the minor, a notarized written consent shall be required from the person with legal custody of the minor, or a certified copy of a court order, authorizing the minor to visit while accompanied by a designated adult.

- The notarized written consent, or court order, shall state the duration of approval, and must be presented each time the minor visits. The notarized written consent must be renewed annually.
- A copy of the notarized consent form, or court order, shall be retained in the inmate's central file and visiting file.

54020.10.1 Visiting Restrictions for Minors

Any inmate convicted of specified criminal acts against minors shall be prohibited from visiting with minors in accordance with provisions of CCR Section 3173.1. Inmates may be prohibited from having contact, or non-contact visits where substantial evidence of the misconduct described in CCR Section 3177(b)(1)(A) has or may have taken place, regardless of whether there has been criminal prosecution or conviction for such offenses. The type of evidence may come from a Board of Prison Terms hearing or a revocation hearing when a District Attorney declines to prosecute in addition to court transcripts, police or probation officer reports or findings describing the misconduct.

54020.11 Processing Visitors

Upon arrival at the visitor processing area, the visitor shall complete a CDC Form 1000, Visitor Pass.

Visiting staff shall:

- Request picture identification in accordance with this article. A certified copy of each minor's birth certificate or county-embossed abstract of birth shall be presented.
- Verify approval to visit via the CDC Form 120, Visiting Record, or automated visiting system.
- Determine visiting status, e.g., non-contact, order for an unclothed body search or other restriction/instructions, and follow any special instructions posted on the automated visiting system.
- Enter the date of the visit on the automated visiting system.
- Stamp the right wrist of all visitors age seven and older with fluorescent ink, prior to their entrance into the institution/facility.
- Search/Inspect all visitors in accordance with CCR Section 3173.2.

Staff shall identify visitors prior to their exit from the institution/facility by positive physical identification, inspection of their identification card, CDC Form 1000, and wrist stamp.

54020.11.1 Visiting Program Reasonable Accommodation

Disabled inmates and/or visitors shall have effective access to visiting facilities. Mobility and auxiliary aids shall be provided as needed. Disabled inmates or visitors, who are approved for visits, must notify the visiting supervisor of assistance needs at least 72 hours prior to a visit. Reasonable effort shall be made to provide modifications for the assistance needs of disabled inmates on a case-by-case basis.

54020.11.2 Processing Visitors With Medical Implants, Prosthetic, or Assistive Devices

Visitors with medically implanted or prosthetic devices, wheelchairs, or other assistive devices who cannot clear contraband/metal detection devices shall be required to present a signed letter which includes the address, telephone number, and the California Medical License number (if applicable) of their physician, physiatrist, prosthetist, or orthotist.

The verification letter shall:

- Be renewed at least every two years or coinciding with the requirement for updating visitor information.
- Detail the specific location of the medical implant, or prosthetic device, in or on the body.
- Detail the specific type of mobility impairment, and verify the need for a wheelchair or assistive device.

Processing Visitors with Medical Implants or Prosthetic Devices

Staff shall conduct an inspection of the prosthetic device to the extent possible without the removal of clothing. A hand-held contraband/metal detection device shall be utilized to process visitors with medical implants.

Any required removal of prosthetic and medical implants for inspection will be done in private setting or area.

If reasonable suspicion exists to believe that a visitor is attempting to introduce contraband or substances into or remove contraband out of the institution and the visitor has a medical implant, prosthetic device or uses a wheelchair or assistive device(s); a search will be initiated in accordance with this section. A licensed physician, nurse, and/or medical technical assistant of the same sex shall be present to assist with the unclothed body search consistent with the duties of their classification.

Processing Visitors with Wheelchairs or Mobility Assistive Devices

The visitor shall be asked to temporarily transfer from his/her personal wheelchair to an institutional wheelchair, while an inspection of the visitor's wheelchair is conducted.

Institution/facility staff are not authorized to physically assist the visitor with the wheelchair transfer.

Hand-held contraband/metal detection devices shall be used to process the visitor during the transfer from his/her personal wheelchair to the designated wheelchair.

If the visitor provides no written verification of impairment and/or need for assistive device and/or refuses to comply with the transfer, the visit shall be denied by the appropriate staff.

Visitors who present letters signed by their physician, etc., which details a specific type of mobility impairment which precludes the wheelchair transfer, or verifies the need for using battery-powered or custom-designed wheelchairs shall be exempt from the wheelchair transfer requirement.

When an institutional wheelchair is not available or the visitor is unable to transfer to another wheelchair, the visitor is exempt from the transfer requirement.

Visiting staff shall conduct a visual inspection of the wheelchair and hand-held contraband/metal detection devices shall be used to process visitors deemed exempt from the wheelchair transfer requirement.

54020.12 Proof of Identity

All Adult visitors shall present picture identification before being permitted to visit. The following are acceptable forms of identification for visitors:

- Valid driver's license with picture.
- Valid Department of Motor Vehicles identification card with picture.
- Valid government-issued passport with picture (must include a current unexpired visa issued by the United States Department of State, if applicable).
- Armed Forces' identification card with picture.
- Identification cards issued by the United States Department of Justice or United States Immigration and Naturalization Service.
- Picture identification Matricula Consular De Alta Seguridad (MCAS) issued by the Mexican Consulate.

54020.13 Inspection/Search of Visitors

All persons, their property or possessions, and/or vehicles when on institution/facility property are subject to inspection/search to the degree necessary to ensure institution/facility security, and prevent the introduction of contraband.

Visitors shall not be forcibly searched unless institution/facility officials possess a court-issued warrant to conduct the search or the visitor is being detained for unlawful actions or activities in accordance with CCR Section 3292.

The type of search to be conducted shall be based on probable cause.

54020.13.1 Contraband /Metal Detection Devices

All visitors shall be processed into the security area through a contraband/metal detection device and shall have property in their possession searched prior to being allowed entry into the institution/facility. Visitors shall remove all items from their pockets and

remove jackets, belts, shoes, etc. These items shall be placed in a designated area for inspection by the visitor processing center staff.

A visitor who fails to clear any contraband/metal detection device may be required to submit to a clothed or unclothed body search prior to beginning a visit.

Before the clothed or unclothed search is conducted, authorization and visitor consent shall be obtained in accordance with this article.

54020.13.2 Clothed Searches of Visitors

Staff may conduct a clothed body search and use a variety of detection devices when the visitor fails to clear any contraband/metal detection device, or information has been obtained indicating that a visitor is in possession of contraband as described in DOM Chapter 5, Article 20.

Visiting staff of the same sex as the visitor shall conduct authorized clothed body searches.

In emergency situations, custody staff of either sex may conduct a clothed body search.

Removal of outer garments, heavy clothing, and possibly shoes may be requested to complete the security search.

Discretion shall be exercised when issuing instructions to persons being searched.

54020.13.3 Unclothed Searches of Visitors

Staff may conduct an unclothed visual body search and use a variety of detection devices to conduct a more intensive security search of the visitor's person when the visitor fails to clear any contraband/metal detection device, or information is obtained that a visitor is in possession of contraband as described in DOM Chapter 5, Article 20.

Unclothed searches are especially appropriate when clothed searches prove inconclusive and the presence of contraband remains a reasonable suspicion.

Unclothed body searches shall be accomplished in accordance with the following provisions, and recorded on a CDC Form 888 Notice of Request to Search.

Visiting staff of the same sex, as the visitor shall conduct authorized unclothed body searches. The search shall be conducted in a private setting, in a dignified manner and by at least two staff members.

Consistent with their duties or classification, a licensed physician, nurse, and/or medical technical assistant of the same gender shall be present to observe and assist in searches when an unclothed body search is required of visitors having a medical implant, prosthetic device, wheelchair, or assistive device(s).

Discretion shall be exercised when issuing instructions to persons being searched.

If staff identifies what appears to be contraband in a body cavity and the visitor refuses to remove the suspected contraband from the body cavity, the visitor shall be detained and referred to the local law enforcement agency.

When probable cause exists that a visitor has concealed contraband in a body cavity; local law enforcement shall be summoned. CDC staff shall not perform any body cavity searches of visitors.

A copy of the CDC Form 888, excluding confidential information, shall be given to the visitor.

54020.14 Visitor Consent for Search

When a clothed or unclothed body search of a visitor is authorized, and/or necessary due to the failure to clear any contraband/metal detection device, the visitor shall be verbally informed of the reason(s) for the search and the name of the official ordering the search. Before the search is conducted, the visitor shall provide written consent by signing a CDC Form 888.

A CDC Form 888 shall be completed for each person searched, including minors. The parents or legal guardian of the minor shall be required to consent to the search of minor children by signing the CDC Form 888.

A copy of the CDC Form 888, and all information relied upon for ordering the search shall be sent to the institution head, or designee, immediately following the search.

Within 24 hours, a detailed written report shall be submitted to the institution head, and shall include the following information:

- The reason for the clothed or unclothed search of the visitor's person, or exceptional search of property, or vehicle.
- The visitor's response.
- The results of the search.

On weekends and holidays, this report shall be submitted to the institution head on the first working day following the search.

54020.14.1 Refusal to Submit to a Search

Visitors who refuse to submit to a clothed or unclothed body search shall have their visiting privileges denied for that day. Future visits may be conditional upon the visitor's willingness to submit to a clothed or unclothed body search prior to each visit.

Any parent or legal guardian refusing to provide consent for clothed or unclothed search of a minor shall be denied the opportunity to visit that day.

The institution head may delegate authority to authorize clothed and/or unclothed body searches of visitors, and search their property or vehicles, to staff at the level of correctional captain or higher. The administrative officer of the day (AOD) shall exercise this authority in the absence of appropriate staff.

The visiting supervisor/watch commander shall advise the captain/administrator in charge of visiting of a search of a minor. During non-business hours the AOD shall be notified.

54020.14.2 Documentation of Information Leading to a Search of a Visitor

When staff obtains information that indicates that a visitor may be in possession of contraband on institution/facility property, the employee shall document the information on a confidential memorandum.

The report shall include:

- The name and number of the inmate(s) intended to be visited.
- Visitor's name, physical description, personal relationship to the inmate, e.g., wife, sister, brother, etc. (if known).
- Specific details of the circumstances.
- Means by which the documenting employee obtained information.

The report shall be personally delivered to the correctional custody captain or designated staff for approval to conduct an unclothed body search of the designated person.

A written report documenting the reason for any exceptional probable cause search of a visitor's person, property, or vehicle shall be submitted to the institution head, or designee, by the official in charge of visiting no later than the first working day following the incident. This report will also include any visitor's response and the results of the search.

A copy of the CDC Form 887-B Notice of Visitor Warning/Termination/Suspension/Denial/Revocation, with all confidential information redacted, shall be given to the inmate whom the person visited or intended to visit, and to the prospective visitor(s). Additionally a copy will be placed in the appropriate section of the inmate's central file.

54020.14.3 Searching of Minors

The accompanying parent or legal guardian of the minor must consent to, and shall be permitted to witness the search. The procedure to search a minor is as follows:

- A custody supervisor, and at least one other staff member of the same sex of the minor, shall be present during the search.
- Care shall be exercised not to traumatize the minor(s) being searched.

If personal contact is necessary to facilitate the search, it shall be performed by the parent or legal guardian at the direction of, and to the satisfaction of, the searching officer. If a minor experiences difficulty in comprehending instructions, the parent or legal guardian shall be utilized to relay instructions.

Simultaneous searches of minors of the opposite sex in the same area is prohibited.

If necessary, visiting staff shall supervise minors while separate searches are conducted.

54020.15 Allowable Visitor Items

Visitors may be permitted to take the following items into the visiting area:

Miscellaneous Items

- One pair of eyeglasses.
- One handkerchief or a small package of tissues, no bandannas.
- One comb and/or hairbrush, non-metallic, no pointed ends or detachable parts.
- Two keys on a ring with no other attachments.
- Visiting locker key.
- Identification.
- One transparent coin purse, maximum two compartments, maximum size of 6"x 8".
- Thirty dollars per adult visitor and ten dollars per minor visitor, coin or one dollar bills only.
- Indian Medicine Bag. (Upon inspection and approval).
- Two small (less than 12 inches in length) solid toys.

Baby Items

The following baby care items are permitted for each baby:

- One transparent diaper bag.
- Six disposable diapers.
- Three factory-sealed jars of baby food.
- Two transparent plastic baby bottles containing pre-mixed formula/milk/juice.
- One change of clothes.
- Single-layer baby blanket.
- One transparent pacifier.
- Factory-sealed baby wipes.
- One baby feeding spoon (plastic).
- One single-layer burp cloth.
- One infant Carrier

Photographs/Documents

Photographs, papers, or documents permitted into the visiting area for the inmate's examination shall be retained by the visitor, and carried from the visiting room and the institution/facility at the conclusion of the visit.

Photographs, papers, or documents require approval of the institution/facility designated staff.

Ten approved photographs may be allowed; maximum size 5"x 7"; no false backs or instant photographs.

During processing, visiting staff shall:

- Inspect and count the items.
- Record the number of items on the visitor's CDC Form 1000.

Upon conclusion of the visit, staff shall again count the items, verifying the amount with the number recorded.

The institution/facility shall provide, upon request, one pencil, and notebook paper to be checked out by the adult visitor, as needed. At the conclusion of the visit, the pencil shall be returned to visiting room staff. The paperwork shall be inspected for contraband, and the visitor shall be allowed to remove the paperwork from the institution/facility.

Institutions/facilities may provide games, children's books, crayons, and coloring books upon receipt of donations from the community.

54020.16 Lockers

Lockers may be available in some visitor processing areas for storage of items that are not permitted into the visiting areas.

The institution/facility shall not be responsible for the loss or theft of personal items left in lockers.

54020.17 Visitor Medication

Visitors may retain only life-sustaining, condition-stabilizing medication with the prescribing physician's written statement of its immediate need, and only in the physician's prescribed amount immediately required to sustain or stabilize the condition during the visit.

The physician's written statement shall include the physician's medical license number, address, and phone number.

All medication shall be in its original pharmacy container with the patient's name, pharmacy, name of medication, prescribed dosage, and the physician's name indicated on the container's label.

54020.18 Number of Approved Visitors

Limitations shall not be placed on the number of visitors approved to visit an inmate.

The number of visitors allowed in the visiting area at one time is limited as follows:

- No more than five visitors per inmate, including minors. Visitors in excess of five may be accommodated by means of rotation through the visiting area on a one time basis. Such rotation shall be considered a single visit in the event it is necessary to terminate a visit in progress.
- Non-contact visits shall not exceed three visitors, including minors. Visitors in excess of three may be accommodated by means of rotation through the visiting area on a one time basis. Such rotation shall be considered a single visit in the event it is necessary to terminate a visit in progress.

54020.19 Visitor Emergency Medical Assistance

Emergency medical attention may be provided to visitors who become ill, injured, or require medical attention while on institution/facility property. The responding staff member shall make every effort to preserve life.

- This may include first aid, CPR, and other life-saving measures for which the employee is trained and/or certified. Life support measures shall be continued until the medical personnel arrive.
- Staff may contact a visitor's relative or friend to assist in the transportation of the visitor. An ambulance may be summoned for visitors requiring emergency medical attention. The institution/facility is not responsible for payment of services provided by outside agencies.
- The watch commander shall immediately be notified, and the appropriate documentation shall be completed.

If a visitor alleges injury, or was involved in an accident on institution/facility property, a STD Form 268, Accident Report, shall be completed by visiting staff.

54020.20 Visitor Basic Dress Standards

Visitors shall remain fully clothed when visiting. Appropriate attire includes undergarments; a dress or blouse/shirt with skirt/pants or shorts; and shoes or sandals.

Visitors over 36" tall shall adhere to the following dress standards.

- Shoes or sandals shall be worn at all times. Shower shoes and bedroom slippers will not be allowed.
- Buttons, snaps, and zippers shall remain fastened.
- Undergarments shall be worn beneath translucent clothing, under all circumstances.
- For security reasons, no brassiere will have metal underwires.
- All shorts and skirts, including slits in the garment, shall not expose more than two inches above the knee when standing.

Prohibited Attire

Prohibited attire consists of, but is not limited to, the following:

- Clothing which, in any combination of shades, or types of material, resembles state-issued inmate clothing (e.g., blue denim or chambray shirt, blue denim pants, reception-center attire).
- Law enforcement, military-type, or camouflage-patterned articles of clothing including rain gear when not legitimately worn by an individual on active duty or in an official capacity.

Clothing that:

- Exposes the breast/chest area, genitals, or buttocks.
- By design, manner worn, or due to the absence of, allows the anatomical detail of body parts or midriff to be clearly viewed.
- Are sheer or transparent or excessively tight.
- Attire or accessories displaying obscene/offensive language, drawings, or objects.
- Head coverings, readily removable hair pieces, or gloves, with the exception of clear see-through rain gear for inclement weather.
- Any other clothing, garment, or accessory that when compared to the expressly specified standards above would warrant disapproval.

Exceptions

Hats, wigs, gloves, religious veils, or hairpieces are permitted with the prior written approval of the institution head, or designee.

- Approval shall be based on verification of the visitor's necessity to wear the hat, wig, gloves, or hairpiece.
- Approval of hats and gloves shall be based on weather conditions at the institution/facility.
- Approved hats, wigs, gloves, religious veils, or hairpieces shall be inspected by visiting staff prior to the visit.

54020.21 Processing of Inmates

Before allowing inmates into the visiting area, staff shall:

- Search the inmate in a manner consistent with institution/facility security prior to, and upon conclusion of each visit.
- Verify the inmate's identity.

Inmates shall be permitted to take any of the following items into the visiting area:

- One handkerchief.
- One comb.
- One wedding band.
- One religious medal on a necklace.
- Prescription eyeglasses.
- Approved medical assistive device.
- Written or printed legal material or case-related documentation pertaining to the inmate's case for an attorney visit only.

54020.21.1 Inmate Visiting Dress Standards

Inmates shall wear only those items of state-issued clothing issued to them at the time of the visit.

Inmates are permitted to wear one each of the following state-issued clothing items:

- Shirt.
- Pair of pants.
- Belt
- Jacket.
- Pair of socks.
- Pair of shoes.
- Under garments

Inmates may wear the following state-issued or personal items, if allowed at the institution/facility at the time of the visit:

- Thermal clothing.
- Sandals or shower shoes may be permitted for inmates housed in institution/facility medical units.

Exceptions to the approved inmate attire shall be based on medical necessity, and authorized by the health care manager or treating physician.

54020.21.2 Authorization of Excused Time Off for Visits

An inmate's work supervisor may approve excused time off (ETO) from a work assignment to participate in a visit in accordance with CCR Section 3045.2

During lockdowns, when visiting programs have not been suspended, inmates prevented from working as a result of the lockdown may be permitted ETO visits during their normal work hours.

- When inmates are not required to report to their work assignments because of temporary suspension of the work program, they may be allowed to participate in ETO visits.

In each instance, the approval or disapproval of this action shall be documented on a CDC Form 128-B, General Chrono, by the approving authority.

Inmates should not be denied visiting opportunities solely on the basis of the unanticipated absence or temporary unavailability of their work supervisor.

54020.21.3 Inmate Refusal to Visit

Inmates may refuse to see a visitor. The refusal shall be documented on a CDC Form 128-B, and shall be signed by the inmate. If the inmate refuses to sign the form, the staff member having knowledge of the refusal shall document the refusal on the CDC Form 128-B.

The original form shall be placed in the inmate's central file; a copy placed in the visiting file, and the visitor and the inmate shall be given a copy.

Refusal by the inmate to see a visitor on one occasion shall not result in the visitor's removal from the approved visitor list, unless the inmate requests removal.

Inmates who desire to remove a visitor from their visiting list shall make a written request to the supervisor in charge of visiting. It is the inmate's responsibility to notify visitors of their removal from the visiting list.

Visitors shall be removed from the visiting list on the date the request is received by visiting staff for a minimum of six months. The request for removal of the visitor will be retained in the visiting file.

The inmate may make a written request to place the visitor back on the visiting list, in accordance with this section at the conclusion of the six-month period.

54020.22 Non-Contact Visiting

Inmates assigned to Administrative Segregation Unit / Security Housing Unit (ASU/SHU) are not normally eligible for contact visits. On a case-by-case basis, the institution head or designee may allow contact visits for inmates in ASU.

Inmates not assigned to an ASU/SHU may be placed on non-contact visiting status for specific periods of time by disciplinary disposition, or classification committee action, in accordance with CCR Sections 3170 (d) and 3176.4.

Visitors who have made appointments in advance for non-contact visits shall be given priority.

- Non-contact visits shall be scheduled in one-hour increments and may be extended depending on space availability and scheduling. When overcrowding occurs, those who have visited at least one-hour and who have been visiting for the longest time may have their visits terminated as outlined in CCR subsections 3176(a)(9) and (10).
- Each institution/facility shall develop an operational supplement for the scheduling of non-contact visits.
- Inmates undergoing reception center processing shall be limited to non-contact visiting. If the physical plant does not allow non-contact visiting, the institution head shall develop an alternative visiting plan to allow visiting in accordance with this section.
- Inmates determined to be disabled, and housed at a reception center for periods exceeding 61 days solely due to their disability, shall be allowed regular visiting privileges in compliance with this article.

54020.22.1 Temporary Imposition Of Non-Contact Visits

In accordance with CCR Section 3170.1(d), the ranking custody officer on duty, or the supervisor in charge of visiting, may temporarily impose

non-contact visiting restrictions, but may not deny visiting as a security measure. Non-contact visiting may be imposed as a temporary measure for willful failure or refusal to abide by visiting regulations. This status may be invoked pending the outcome of a disciplinary or classification committee hearing. In addition an inmate on non-contact visiting status may have all visits temporarily suspended when displaying disruptive behavior during a visit.

The reason(s) for the non-contact visiting status or suspension of visiting shall be documented on a CDC Form 128-B, and the affected inmate shall be given a copy of the documentation.

Subsequent disciplinary, or classification committee action shall supersede any temporary action.

54020.22.2 Non-Contact Visits for General Population Inmates

Non-contact visiting for general population inmates shall be imposed by a classification committee for specified periods of time when there is substantial reason(s) to believe that physical contact with a visitor(s) or with other inmates may:

- Endanger the safety of persons.
- Jeopardize the security of the institution.

Non-contact visiting may be imposed in accordance with CCR Section 3170(d), 3176.3 and 3315.

54020.22.3 Review of Newly Arriving Inmates for Visiting Status

The initial classification committee shall review all newly arrived inmates who are eligible for general population placement to determine visiting status.

Criteria for imposition of non-contact visiting status shall include but are not limited to:

- Violations of visiting regulations.
- Recent or repeated possession of contraband (such as money, narcotics, and/or paraphernalia, escape tools or devices, etc.), the evidence or circumstance of possession of which suggests illicit acquisition through the visiting process and/or from smuggling into the institution/facility.
- Assaultive, irrational, or bizarre behavior suggesting that the inmate has a high violence potential and may prove disruptive to the visiting program.
- Escape risk or escape history.
- The inmate is temporarily housed at an institution/facility of another law enforcement agency.
- The inmate may be placed on non-contact visiting if assigned to a drug rehabilitation program which requires non-contact visiting.

54020.23 Rule Violations Related to Visiting

A Hearing Officer or Senior Hearing Officer may place limitations and restrictions on an inmate's visits for specified periods of time when the inmate is found guilty of rules violations related to visiting, distribution/possession of controlled medications, or possession of contraband likely to have been introduced through visiting i.e. money, jewelry, or by classification committee action in accordance with CCR Sections 3170.4(e) 3315.

54020.24 Food in Visiting Areas

Visitors and inmates are permitted only those items purchased in their respective visiting areas.

- Inmates and visitors may not take any food items from the visiting area.

Visitors at CDC Conservation Camps are permitted to bring the following vendor-sealed food items to the picnic visiting area:

- Prepared, non-marinated unprepared, and/or lunch meats.
- Cheeses.
- Non-alcoholic beverages.
 - Six 12-ounce unopened cans, or plastic bottles per inmate and visitor.
 - One unopened quart of milk per inmate and visitor.
 - One unopened six-ounce jar of instant coffee.

- One unopened 16-ounce jar of barbecue sauce and/or steak sauce.
- Individual sealed condiment packets: ketchup, mustard, mayonnaise, relish, sugar, etc.
- One large unopened bag of chips per inmate and visitor.
- Four hot dog buns per inmate and visitor.
- Four hamburger buns per inmate and visitor.
- One package of tortillas per inmate and visitor.
- Two unsliced fruits per inmate and visitor.
- One potato per inmate and visitor.
- One onion or pepper per inmate and visitor.
- Two bakery product servings per inmate and visitor.

Food items taken into designated visiting areas shall be consumed during the visit or taken from the visiting areas by the visitors at the conclusion of the visit.

54020.25 Visiting Photo Program

Photographs may be taken of the inmate and/or visitor in designated visiting area locations when purchased through the institution/facility's photo program.

Inmates and visitors shall be authorized to retain any approved photographs taken during the visit.

54020.26 Visiting With More Than One Inmate

Except for visits with immediate family members, visiting with more than one inmate at the same time shall require the approval of the institution head or designee. Consistent with all other requirements specified in DOM 54026.10.1.

Visiting more than one inmate at the same time shall require that both inmates are approved to visit in the same visiting room, and that either:

- The visitor(s) has prior written approval from the institution/facility head or designee, or
- The visitor(s) and inmates are immediate family members.

54020.27 Visiting in CDC Hospitals and Infirmaries

Authorization from the health care manager, and the correctional custody captain or AOD, shall be obtained to approve visits for inmates housed in CDC infirmaries or hospital facilities.

- Visitors shall be immediate family members.
- Visitors shall be supervised by custody staff during the visit.
- Approval for visits by minors shall be obtained from the institution head, or designee.
- Visitors shall only be authorized to retain two keys on a single key ring (with no attachments), life sustaining medication, and a valid form of identification.

The length of visiting in a CDC infirmary, hospitals, or community hospitals shall be determined by the institution head or designee based on staff availability.

54020.28 Visiting in a Community Hospital

Visits for inmates in a community hospital may be approved under the following conditions:

- The inmate has a life-threatening or critical illness/injury.
- The visitor is an immediate family member.
- The visitor has prior approval to visit the inmate in an institution/facility.
- The institution head, or designee, approves the visit.
- The attending physician authorizes the visit.

Visitors in a community hospital shall comply with CDC visiting rules and any restrictions or requirements imposed by the institution/facility or hospital.

The length of visiting in a CDC infirmary, hospitals, or community hospitals shall be determined by the institution head or designee based on staff availability.

54020.29 Visiting Conduct

Each inmate and visitor is responsible for their conduct during visits. Violation of laws, whether or not on CDC property, and/or CDC policies or regulations, may result in restrictions, suspension, denial, revocation of visiting privileges, and/or arrest.

An inmate and their visitor may briefly embrace, and kiss, at the beginning and end of each visit. Except for holding hands, no other body contact is permitted except as specified below:

- An inmate may hold his or her minor children. Inmates may also hold minor children accompanied by an adult. Such contact will be monitored to ensure compliance with CCR Sections 3007 (Sexual Behavior) and 3173.1 (Visiting restrictions with minors).
- Nursing mothers shall be discreet and covered when breast feeding their child in the visiting room. Failure to do so shall result in termination of visiting for that day.
- Minors shall remain under the constant control and supervision of the accompanying adult.
- Visitors shall not leave the designated visiting area except at the conclusion of the visit.
- All food items shall be consumed or disposed of at the conclusion of the visit.
- Inmates shall not retain any items taken into any visiting area by the visitor except legal materials approved in accordance with CCR Subsections 3178(n) and (o).
- In accordance with CCR Section 3006, inmates shall not be authorized to possess contraband as defined in CCR Section 3000.
- Inmates shall clean their respective visiting area upon conclusion of the visit.

54020.29.1 Suspension or Exclusion of Visitors From the Visiting Program

All visitors entering the institution/facility for the purpose of visiting an inmate are subject to all applicable policies, regulations, local procedures, and laws:

- Visitors violating a policy, regulation, or law are subject to denial, suspension, or revocation of a visit in progress or exclusion from the visiting program in accordance with CCR Subsections 3176-3176.3.
- Actions affecting a visitor's access to the visiting program shall be recorded on a CDC Form 887-A.

When verbal warning and/or restrictions fail to achieve compliance, or fail to correct the conduct by a visitor, the visit shall be terminated for the day.

For serious or repeated violations of the rules, regulations, or procedures and/or upon belief of the visitor's involvement in a criminal act and pending the outcome of an investigation, the official in charge of visiting may impose a suspension of the visitor's access to the visiting program for up to six months in accordance with CCR Subsection 3176.1(c).

- The institution head or director or designee, as appropriate, and in accordance with CCR Subsections 3176.1(d) and (e), may impose suspension for up to twenty-four months when visitors are involved in misdemeanor or felony criminal activities on institution/ facility property.
- Subsequent discovery of information that would have resulted in disapproval or disqualifying contact are grounds for revocation of the previously granted permission to visit an inmate.

The warning, visit termination, suspension and revocation information recorded on the Form 887-A shall clearly state the reason for the action and the length of time any sanction or action taken will apply. The notification content of the form shall include the signature of the official taking the action and advise the visitor of the right to appeal in accordance with CCR Section 3179. An original shall be provided to the visitor at the time of the action or mailed to the visitor's last known address within five working days of the action. Copies shall be placed in the inmate's central and visiting files and forwarded to the institution head.

In all instances of exclusions made in accordance with the provisions of CCR Subsection 3176.3, a written report will be made to the Director via the Deputy Director, Institutions Division or Regional designee within two working days of the effective date of the order.

54020.30 Denial or Termination of Visits Due to Overcrowding

Visits may be terminated or denied when the visiting areas are in use to maximum capacity, and there are other approved visitors waiting to visit.

Termination of visits due to overcrowding shall be based on the recorded order of arrival time of the inmate (first in/first out). Exceptions to this termination procedure are as follows:

- Excessive distance: The visitor has traveled a distance of 250 miles or more, and has not visited within the last 30 days. This exception shall be applied to allow two consecutive days of visiting.
- Disabled Visitor: A visitor who is certified as disabled as defined by California law, and must rely on special transportation to the institution.
- Weddings: When a visitor is married to an inmate on that particular day.
- Family Emergencies: When death, serious illness, or injury occurs to an inmate's immediate family. Clergy or approved visitors may visit the inmate to offer condolences, or inform the inmate of the occurrence.
- Infrequent Visits: When an inmate receives not more than one visit each six months. A visit meets this definition when the inmate normally receives few visits, and a visitor arrives unexpectedly.

When visit terminations are complete, and the overcrowding situation persists, the visits of those remaining shall be terminated as necessary. When overcrowding occurs, those who have visited at least one hour and who have been visiting for the longest time may have their visits terminated as outlined in sections 3176(a)(9) and article 42, 54029.1.

Upon termination of a visit due to overcrowding, the official taking the action shall prepare a CDC Form 887-A explaining the reason for termination. The visiting supervisor authorizing the action shall sign the notice.

The original report shall be placed in the inmate's central file, with copies to the institution head, the inmate's visiting file, the inmate, and the visitor.

Any visitor whose visit is terminated due to overcrowding shall not be allowed to re-enter on the day of termination.

54020.31 Suspension of Visiting Program

The institution head, or designee, may suspend the visiting program during an emergency.

54020.32 Attorney Visitations and Consultation

Inmates have a right to access the courts and the judicial system. It is the policy of CDC to facilitate both correspondence and personal consultation for this purpose.

An attorney visit is a private consultation between an inmate and his/her attorney or representative.

Conversations between an inmate and an attorney or attorney representative shall not be listened to or monitored with the exception of visual observation by staff as required for the safety and security of the institution/facility.

Attorneys or attorney representatives shall not be permitted to attend or participate in any conference or committee meeting of staff and the inmate concerned, except as may be authorized by law or regulation.

54020.32.1 Clearance and Approval for Attorney Visit

An attorney or attorney representative seeking an in-person consultation with an inmate shall contact the institution/facility at which the inmate is housed. Such request(s) shall be in advance and can be made in person, in writing, by telephone or facsimile directed to the staff designated in the institution/facility's operational supplement to this section.

The following personal and professional information is required in writing for approval of the attorney's request to visit:

- Inmate's name, CDC number, and date of birth.

- Proof of the attorney's current registry, in good standing, with a state bar association and indication of the jurisdiction(s) licensed to practice law.
- The attorney's date of birth, mailing address and valid driver's license or state-issued identification card number.

The requesting attorney must also report any prior felony convictions, explain any prior suspension or exclusion from a correctional facility, and declare one or more of the following:

- They are the attorney of record either by appointment by the court, appointment by the Board of Prison Terms, or at the inmate's request.
- They have been requested by a judge to interview a named inmate for purpose of possible appointment as counsel by the same court.
- They are seeking to visit an inmate who may be a witness relevant to a legal matter.
- They are seeking to interview an inmate at that inmate's request for the purpose of possible representation.
- They have been requested by a third party to consult with the inmate when the inmate cannot do so because of a medical condition, disability, or other circumstance.

Any false statement or deliberate misrepresentation of facts specific to the information requested above shall be grounds for denying the request and/or cause for subsequent suspension or exclusion from all institutions/facilities administered by the department.

- The attorney or attorney representative must present a copy of the declaration to staff prior to each visit with the specified inmate. The original declaration shall be maintained on file at the institution where the inmate is housed.
- Any written information required by CCR Subsection 3178(d) may be submitted by facsimile transmission.

Processing of Attorney Visit Requests

Upon receipt of the written request and required information, a California Law Enforcement Telecommunications System (CLETS) check through the Department of Justice, and verification of the attorney's credentials through the governing state bar association, shall be conducted. The institution/facility conducting this background check shall subsequently maintain and update, as appropriate, all records relevant to processing such requests. Once the clearance and verification has been obtained, the attorney shall be contacted to schedule the initial visit. The attorney clearance shall be granted only for the institution/facility that conducted the clearance.

Attorneys and attorney representatives must report any change in personal or professional information, arrest history, and declarations in order to retain their approval/clearance, which shall otherwise be indefinitely valid throughout the inmate in question's period of confinement at the institution/facility. Upon the inmate's return to custody, a new visiting request and declaration shall be submitted.

Each institution/facility shall maintain a current list of all approved attorneys.

Exceptional or Unscheduled interviews

Should an attorney believe information acquired in the course of a scheduled visit warrants immediate follow-up in the form of a separate interview with a different inmate, the opportunity for an exceptional or unscheduled interview with the other inmate may be requested at the conclusion of the visit in progress. Such requests shall be honored subject to reasonable operational limitations and upon completion of a declaration in accordance with the requirements of DOM 54020.31.1. If the request imposes an unreasonable burden on staffing or unduly disrupts an institution function, i.e., interferes with count or feeding, it will be deemed unreasonable. Under such circumstances, the attorney shall be so informed and a visit with the inmate in question may be scheduled in accordance with the procedures set forth above.

54020.32.2 Inmate Notification of Attorney Visit

The visiting sergeant, or designee, shall notify the inmate of the scheduled attorney visit via the CDC Form 1081, Notice of Attorney/Legal Visit. It is the inmate's responsibility to appear for the visit at the scheduled time. Approval or disapproval of any attorney

request to visit shall be documented on the CDC Form 887. If disapproved, the inmate shall be notified via the CDC Form 128-B.

Visits During Work/Training Hours

When an appointment is scheduled during an inmate's work/training hours, the inmate shall be released from the assignment.

54020.32.3 Attorney Visiting Hours

Attorney visits shall normally be accommodated and/or scheduled during the institution/facility's established regularly scheduled visiting hours and days.

When regular visiting is scheduled on both weekdays and weekends, the scheduling preference will be weekdays because of the personnel and resources needed for the greater volume of weekend visits by friends and relatives.

When an institution/facility regular visiting schedule provides for inmate visitation only on weekends, an attorney visit shall be scheduled as specified below upon request of the attorney or designated attorney representative. Upon authorization of the attorney visit, the visit shall be scheduled during weekday business hours.

With the exception noted below, attorneys or attorney representatives who have not been previously approved to visit should provide the institution in writing with the information required by DOM 54020.32.1 no less than five business days in advance of the desired date of the visit.

This advance verification is necessary in order to conduct clearance checks, verifications and to permit scheduling of available staff and facilities.

If the clearance cannot be obtained and approved prior to the requested visit date, the attorney or attorney representative shall be contacted and informed of the reasons for the delay.

Attorneys with a compelling need to visit an inmate during other than the established visiting hours shall submit a request to the institution head or designee.

- Written verification of a Board of Prison Terms hearing or consultation, scheduled evidentiary hearings, and trial or court filings that are within 30 days from the date of the visit are examples of acceptably documented compelling or emergency need for the attorney visit.

Attorneys previously approved to visit at the institution/facility shall request private consultations no less than two business days in advance.

- Two business days written, faxed, or phoned notices to schedule an attorney visit are particularly appropriate for attorney visits during regularly scheduled visiting days, or when scheduling an attorney visit during a normal weekday at an institution that only provides for regular visiting during the weekend, or to schedule an attorney visit on a non-scheduled visiting weekday because of scheduling conflicts or other declared need.
- When a previously approved attorney or attorney representative is unable to provide the two business days notice due to a scheduling conflict or for some other declared need, the institution head or designee may authorize a visit with 24-hour notice so long as the visit does not interfere with the safety and security of the institution/facility and as necessary to accommodate the attorney visit on a non-scheduled visiting day.
- Under extraordinary circumstances, attorneys who have not been previously approved to visit and are unable to provide the required information within five business days may be authorized by the institution head or designee to visit with no less than **24-hour notice so long as the visit does not interfere with the safety and security of the institution.

54020.32.4 Location of Attorney Visits

Attorney visits shall be conducted in institution/facility visiting rooms.

Inmates shall be granted contact or non-contact visits, according to their visiting status at the time of the attorney visit.

- When a compelling need exists, the institution head, or designee may grant an inmate on non-contact visiting status a contact attorney visit. Such visits shall occur in private visiting accommodations specified by the institution facility in accordance with this section.

- If an attorney or attorney representative does not desire private accommodations, the attorney or attorney representative may visit the inmate on any regularly scheduled visiting day and shall be provided the same accommodations as a regular visit, with the exception that, notwithstanding the limitations of DOM 54020.15, legal documents may be exchanged in accordance with CCR Section 3178(o).

54020.32.5 Processing

An approved attorney or attorney representative and any accompanying authorized support personnel shall be processed upon arrival at the institution/facility in the manner set forth in DOM 54020.11.

- Attorneys, representatives and authorized support personnel with appointments shall be expeditiously processed, and if necessary to do so may be advanced to the front of any processing line.

All items, legal or related case documents and required equipment or apparatus in possession of the above-identified individuals shall be inspected prior to entry into the institution/facility. Once inspected and cleared, these materials may then be conveyed into the confidential consultation area.

- Attorneys shall also be required to present proof of active registry with a state bar association and a copy of the declaration of the reasons for the consultation as specified above.
- Attorney representatives and litigation support personnel shall be required to provide valid written authorization by an attorney who has been cleared and approved in accordance with DOM 54020.32.1.

No more than two attorneys, or attorney representatives and litigation support personnel may visit privately with an inmate or witness at the same time. Exceptions may be authorized by the official in charge of visiting when an attorney declares that litigation support personnel are needed to assist in the legal process/proceeding, commensurate with space and staff availability.

54020.32.6 Attorney Representatives/ Litigation support personnel

An attorney or court may designate, by name and in writing, representatives to interview an inmate or witnesses on behalf of an attorney. Such designated representatives shall be afforded the same accommodations and services as an attorney, providing all other requirements of this section are met.

Representatives acting on behalf of an inmate's attorney shall be one of the following:

- Private investigator, licensed by any state, and sponsored by the attorney or appointed by the court.
- A law student sponsored by the attorney,
- An employee of an attorney, legitimate legal service organization, or licensed private investigator who is sponsored by the attorney or licensed private investigator
- A legal paraprofessional sponsored by the attorney or appointed by the court.
- An investigator who is employed by a government agency, public agency or public institution.

Litigation support personnel include, but are not limited to the following individuals retained or sponsored by the attorney or attorney representative in a formal capacity as specified below:

- Certified language interpreters, sign language interpreters and court reporters.
- Polygraph examiners.
- Licensed mental or medical health care professionals.

Such personnel may accompany the attorney or attorney representative during the private consultation in order to assist in the legal process, proceeding or case investigation.

With the exception of licensed mental or medical health professionals, the attorney or attorney representative must accompany all litigation support personnel assisting in the performance of legal functions during any private consultation.

For purposes of this section, verifiable proof of employment or sponsorship shall be at minimum a formal agreement between parties outlining the duties or services to be performed by the designee and the start date of such services.

54020.32.7 Authorization of Attorney Representative

A letter of authorization to act on the attorney's behalf shall be signed by the attorney or judge and the designee. The letter must be dated within 180 days of the visit and clearly indicate that the representative is court appointee or authorized agent of the attorney, as appropriate and specific to DOM 54020.32.6, and shall contain the following:

- The designee's name and position of employment or title.
- The designee's date of birth, driver's license, and Social Security number.
- Certification in the form of a license, that the representative is a licensed private investigator retained by the attorney, or appointed by the court; or valid identification that the investigator is employed by a government agency, public agency or public institution; or a letter in the form of a declaration, that the attorney representative is being sponsored by the attorney and that the attorney accepts responsibility for all actions taken by the attorney representative.
- The name and CDC number of the inmate(s) to be visited.

Designations of litigation support personnel and personnel admitted in accordance with the deposition provisions of DOM 54020.32 shall be in writing, dated within 30 days of the visit, and signed by the attorney and/or judge.

- The letter of authorization, required designations, copy of any employment contract or sponsorship agreement and declaration of purpose of visit shall be submitted to the institution head or designee, for review.
- The letter of authorization shall be presented by the attorney representative or litigation support personnel, along with verifying proof of identity at the time of the scheduled visit and shall be subject to verification.

In declaring that the attorney assumes full responsibility for the actions of their designees, the attorney is certifying that the designee is performing a recognized legitimate legal function. Therefore, upon proof of misconduct or deliberate misrepresentation of the part of the designee or upon proof that the designee is not employed by or has no verifiable sponsored relationship with the attorney, the attorney risks losing the ability to designate others to act on their behalf or may face suspension of their own attorney visiting privileges on a department wide basis in accordance with CCR Section 3178(s).

54020.32.8 Exchange of Confidential Material

All items, documents, and case related materials conveyed into the confidential consultation area shall be inspected. The purpose of the inspection is to ensure the contents pose no threat to the safety or security of the institution/facility, including the introduction of unauthorized drugs, controlled substances, and/or contraband as defined in CCR Section 3006.

Staff may open and inspect, but shall not read any part of a legal written or printed document without the express consent of the inmate, attorney or attorney representative.

All legal documents or associated case related materials the attorney or attorney representative provides or receives from the inmate are deemed necessary for the furtherance of a legitimate legal process, proceeding, or action. Therefore, the exchange of any other item or document can result in restriction, suspension, and/or exclusion of the attorney's visiting privileges on a department-wide basis in accordance with CCR Sections 3178(s).

After proper inspection, written and printed material may be exchanged. The attorney or attorney representative may retain, and take from the visiting area and institution/facility, any legal document or case related material given to him or her by the inmate and not otherwise prohibited by law or regulations. After inspection, inmates may retain, and take from the visiting area any legal documents and case related materials not otherwise prohibited by law or these regulations and given to them by the attorney or attorney representative.

Staff shall limit inspection(s) to the extent minimally necessary to ensure that the contents pose no threat to the security or safety of the institution/facility.

Legal documents or case related materials refused by an inmate shall be returned to the attorney or attorney representative in person or by mail

54020.32.9 Depositions

Depositions should be scheduled by prior arrangement. The attorney desiring the deposition must make a written request to the institution head, or designee, which includes the following:

- Inmate's name and CDC number.
- Deposition date and time.
- Name of court reporter.
- Name of videographer (if applicable).
- The court reporter's, and videographer's date of birth, social security, and drivers license numbers.

The requesting attorney shall be responsible for notifying the court reporter of all requirements necessary for entry into the institution/facility in accordance with this section.

54020.32.9.1 Audio Recording

With the inmate's consent, an attorney or attorney representative may record the interview. The institution/facility shall provide audio recording equipment.

The attorney or attorney representative must provide factory-sealed audio tape(s).

54020.32.9.2 Video Recording

With prior approval of the institution head and the inmate's consent, a video recording of the interview may be made.

- The attorney or attorney representative must provide factory-sealed videotapes.
- Unless provided by the institution/facility, video recording equipment shall be thoroughly searched for contraband.
- If the equipment cannot be searched without the risk of damage, the interviewer shall agree to pay for the cost of escort and control of the equipment while it is on institutional/facility property. Charges for the escort and control services shall be at the escort officer's current pay rate, including overtime, if applicable.

54020.33 Family Visiting General Information

Family visiting is a privilege earned by the inmate through successful program participation.

- Misconduct on the part of the inmate or visitor(s), violation of a law, rules or regulation may be cause for termination of the visit.
- Family visits are restricted to the living quarters and the yard assigned for the family visit.
- Visitors shall not be permitted to leave and return during the visit.

54020.33.1 Inmate Family Visiting Eligibility

Eligibility for participation in the Family Visiting Program (FVP) is subject to the provisions of CCR Sections 3044 and 3177.

Family visiting shall be restricted as necessary to maintain order, the safety of persons, the security of institution, and required prison activities and operations, pursuant to CCR Section 3170.

54020.33.2 Inmate Applications for Family Visits

Each inmate's assigned Correctional Counselor I (CC-I) is responsible for determining his/her eligibility to participate in the FVP.

Applicants shall submit their initial institutional request, on a CDC Form 1046, Family Visiting Application, to their respective CC-I.

The CC-I shall evaluate the following areas of specific interest:

- Escape history.
- Commitment offense and behavior history to determine eligibility, pursuant to CCR Section 3177(b).(1).
- Current case factors to determine eligibility pursuant to CCR Section 3177(d).

If the CC-I finds that based on criteria, the inmate is ineligible; they shall annotate specific reasons for denial on the CDC Form 1046.

If one or more of the above factors are present, and the CC-I can not readily make a determination for eligibility, a case conference with the CC-II and/or the Facility Captain shall be held to determine eligibility. If necessary, the case shall be referred to a classification committee for approval or disapproval.

Upon review and approval the CC-I shall complete a CDC Form 128 B, noting the approval and/or restrictions and forward a copy of it, to the family visiting coordinator. After the initial approval, all subsequent requests shall be submitted on a CDC Form 1046, Family Visiting Application, directly to the family visiting coordinator.

Proof of marriage shall be established by the family visiting coordinator. A certified copy of the marriage certificate shall be presented to the coordinator prior to each visit.

"Proxy" marriages are not legal in California. The bride, groom, and the officiant must be present at the same place at the same time (Telephone or Teleconferencing does not constitute presence).

Family visits shall be scheduled with specified family members. Once an application is submitted, no changes, or substitutions of visitors, shall be permitted.

54020.33.3 Requests for Specific Family Visiting Dates

Inmates may request specific dates for a family visit. When applying for a specific family visiting date, inmates shall submit two alternate dates.

A reasonable effort shall be made to accommodate the inmate's preference; however, no scheduled family visit shall be canceled to accommodate a preferred date request.

If all requested dates are filled, the next available date will be determined by the family visiting coordinator, and offered to the inmate.

54020.33.4 Notification of Scheduled Family Visiting Dates

A CDC Form 1072, Family Visiting Inmate Notification, shall be provided to the inmate upon scheduling of family visiting dates.

- It shall be the inmate's responsibility to return the signed form to the family visiting coordinator within ten working days to secure the dates.
- Exchange of family visiting dates shall not be permitted.

54020.33.5 Visiting Status Changes

Any disciplinary or classification committee action that restricts, suspends, or denies an inmate's regular visiting, shall also apply to participation in the FVP for the duration of the imposed sanction.

54020.33.6 Inmates on Non Contact Visiting Status

Inmates on the FVP list who are placed on temporary non-contact visiting status, as a result of pending disciplinary charges and/or classification committee action, shall not be permitted to participate in the FVP until the pending charges or classification committee action that led to the restricted status is resolved.

The inmate's name shall remain on the list until all the charges and/or committee actions are resolved.

If an inmate's family visit is canceled due to pending disciplinary and/or classification action and the inmate is found not guilty, the visit shall be rescheduled on the first available date.

54020.33.7 Cancellation of a Family Visit

During emergency situations, the family visiting coordinator shall make a reasonable effort to notify the family of the cancellation of the family visit.

54020.33.8 Processing Inmates for Family Visiting

Inmates shall present their CDC identification card to the family visiting coordinator, report to a designated area for inspection of their property, and submit to an unclothed body search.

Inmates shall submit urine samples as ordered by the family visiting coordinator.

The family visiting coordinator shall complete a Family visit inmate property inventory CDC Form 1070 male inmate items/1070-A female inmate items, as appropriate.

The inmate shall be escorted to the proper family visiting unit.

Inmates shall be authorized to bring the following items into a family visit:

- Two changes of underwear.
- Toothbrush.
- Safety razor.
- Items in accordance with this article.

The family visiting coordinator, or staff, shall provide a brief orientation of the unit to the occupants.

54020.33.9 Urinalysis

Inmates participating in the FVP shall at minimum submit to a urinalysis upon completion of the visit. Refusal to submit to a urinalysis shall result in disciplinary action; visit cancellation, and removal from the FVP by classification committee action.

54020.33.10 Family Member Participation

Participation in the FVP is restricted to the inmate's immediate family members.

- A certified copy of the marriage certificate shall be presented to the family visiting coordinator prior to each visit by the inmate's spouse.

54020.33.11 Minor's Participation

Unescorted minors shall not be permitted to participate in the FVP, except as authorized by the institution head, or designee.

Notarized, written approval of the parent or legal guardian is required when a minor accompanies an adult who is not the parent or legal guardian of the minor.

The approval shall specify by name the approved family member who is authorized to chaperone the minor, and the specific date of each family visit authorized for the minor's attendance.

Adult children of the inmate, 18 years of age or older, shall present their birth certificate, and a valid form of identification, prior to each family visit.

54020.33.12 Standby Family Visits

Standby family visits are not authorized.

54020.33.13 Family Visiting Length and Visitor Reporting Requirements

Institutions shall require family visitors to check-in at the visitor processing area prior to 11:00 a.m. on the day of the visit.

- Family visitors shall report to the visitor processing area at the time designated by the institution.
- Visitors failing to report to the visitor processing area by 11:00 a.m., without the notification and approval of the family visiting coordinator, are subject to cancellation of the visit, and suspension of FVP privileges for six months.

Inmates and visitors shall be permitted to spend approximately 46 consecutive hours in the family visiting units.

54020.33.14 Processing of Visitors for Family Visiting

Visitors shall report to the visitor-processing center. All visitors shall be searched in accordance with this section. All personal articles shall be inspected. Those items that cannot be visually or manually inspected shall be x-rayed or disallowed.

The family visiting coordinator shall transport the visitors, and their property, in a state vehicle to their respective family visiting units when necessary.

54020.33.15 Authorized Property for Family Visiting

Visitors are authorized to possess the following items while participating in the family-visiting program:

- One bag of clothing per visitor; no suitcases are permitted.
 - Clothing shall be in paper, plastic, or fabric bags.
- Basic personal hygiene and cosmetic items in the amount necessary for the length of the family visit.

- No aerosol containers.
- Disposable diapers only.
- Children's toys.
 - Simple games, coloring books, crayons, or pencils (as authorized by the institution).
- Locker key.
- Prescribed medications in accordance with this article.
- Prescribed birth control pills.
- A spouse shall be permitted to bring in a maximum of ten commercially-sealed condoms per visit.
 - Condoms in unsealed packaging shall not be permitted into the institution.
 - All unused condoms shall be retained in their sealed packaging and taken from the institution by the visiting spouse.
 - Under no circumstances shall an inmate be permitted to possess condoms outside of the family visiting quarters.

54020.33.16 Food for Family Visiting

Inmates participating in the FVP shall be required to purchase all food for the visitor, and themselves, with funds from their trust account. A minimum of two meals per day, per person, shall be purchased prior to commencement of the family visit.

Family Visiting Food Menu

Each institution shall maintain a family-visiting menu from which to choose. The family- visiting menu shall provide the following food items:

- Minimum of five, maximum of ten, breakfast entrees.
- Minimum of five, maximum of ten, lunch entrees.
- Minimum of five, maximum of ten, dinner entrees.
- Beverages, including bottled water, milk and soda.
- Fresh fruit.
- Maximum of ten miscellaneous items.

Visitors with infants may be allowed the following items:

- Powdered or bottled formula in vendor-sealed containers.
- Baby food in vendor-sealed jars.

Medically Prescribed Diets

Visitors shall be allowed to bring medically prescribed food items to a family visit under the following conditions:

- The visitor shall provide a physician's statement to the family visiting coordinator, which includes a description of the diet, and describes why the diet must be continued during the visit.
- All food items must be vendor-sealed with recognizable labels.

If an inmate is being supplied a nourishment bag and/or food supplements ordered by a physician or dentist, the inmate shall be provided with the prescribed dietary additions during the visit.

Funds for FVP Meals

Inmates shall submit a completed FVP menu form with a CDC Form 193, Trust Account Withdrawal Order, authorizing a charge to the inmate's trust account, to the family visiting coordinator at least three weeks prior to the visit.

At least two weeks prior to the visit, a copy of CDC Form 193 shall be delivered to the trust office by the family visiting coordinator. If sufficient funds are not available in the inmate's trust account, the family visiting coordinator shall inform the inmate that the scheduled visit has been canceled.

Funds sent to an inmate's trust account specifically designated for family visit food item, and accompanied by a completed, signed CDC Form 1839, Exemption of Family Visit/Temporary Community Leave Funds From Restitution Fines/Orders, shall be exempt from restitution fines or orders.

Processing of Food Order

On the day of the visit, the family visiting coordinator shall facilitate the delivery of the food order to the visiting units at the commencement of the visit

Unclaimed Food Items

If a family visit is canceled due to institution operations after the purchase of a food order, the inmate may request reimbursement to their trust account for the amount of the food order.

Reimbursement of trust account funds shall be limited to family visit cancellations due to institutional actions such as:

- Suspension of the FVP due to institution emergency.
- A disciplinary hearing finding of not guilty after a charge of misconduct which restricted family visiting privileges.

Such reimbursement is subject to the provisions of Chapter 5, Article 42 54100, and applicable Board of Control rules.

If the family visit is canceled due to the actions of the inmate, and the inmate has been charged for the food, the institution shall allow person(s) designated by the inmate to claim the food within 72 hours of the cancellation.

The final disposition of food, remaining unclaimed after 72 hours, shall be the responsibility of the institution.

54020.33.17 Family Visitor Medication

Medication shall be retained in a secure location by designated staff. Verification of the need to possess medication shall be provided by a physician's statement.

Visitors may retain only life-sustaining, condition-stabilizing medication with the prescribing physician's written statement of its immediate need, and only in the physician's prescribed amount immediately required to sustain or stabilize the condition during the visit. Female visitors may retain their birth control pills.

Other required medications shall be distributed to the visitor at prescribed times, by staff designated by the institution.

Any unauthorized items may be secured in a visiting locker, and retrieved at the conclusion of the visit.

54020.33.18 Family Visiting Count Procedures

Inmates in the family visiting quarters shall present themselves for count in accordance with institutional procedures. A minimum of four counts per 24-hour period shall be conducted.

Inmates who fail to present themselves for count are subject to disciplinary action, and termination of the family visit.

54020.33.19 Unscheduled Inspection/Search of Family Visiting Units

Every effort shall be made to ensure the privacy of the inmate, and their visitor(s). However, the safety of persons, and security of the institution, may require the inspection and/or search of a family visiting unit while a visit is in progress.

The watch commander has the authority to order a search/inspection when the need arises. The watch commander and/or visiting supervisor shall be responsible to ensure that the search/inspection is conducted in a courteous and professional manner.

54020.33.20 Condition and Cleanliness of Family Visiting Units

Each inmate shall be responsible for the care and cleanliness of the family visiting unit during a visit.

Before and after each family visit, the family visiting coordinator, and each inmate scheduled to visit, shall conduct a detailed inspection of their assigned unit to verify the unit's condition, cleanliness, and contents. A CDC Form 1069, Family Visiting Inventory, shall be completed by the family visiting coordinator.

Each inmate shall be subject to disciplinary action, which may include suspension from participation in the FVP, for any willful damage of the unit and/or furnishings or for failure to maintain the cleanliness of the FVP unit. Inmates and/or visitors may be excluded from the FVP for willful damage of the family-visiting unit. Prior to each family visit, the inmate shall submit a completed CDC Form 193.

Each family visiting unit shall be thoroughly cleaned by the occupants prior to the conclusion of each visit. Cleaning materials and equipment shall be provided by the institution.

54020.34 Appeals Related to Visiting

Visitors who wish to discuss visiting-related issues are encouraged to contact the visiting supervisor for resolution. Interviews shall be conducted or scheduled at the earliest opportunity. Visitors and/or inmates may register complaints/appeals regarding visiting through procedures contained in CCR section 3179 and Chapter 5, Article 42.

54020.35 Transfer of Visiting Records

The inmate's visiting file shall be forwarded in accordance with DOM Chapter 7, Article 3, and Article 5.

54020.36 Revisions

The Deputy Director, Institutions Division, or designee, shall ensure that this section is accurate and current.

54020.37 References

PC § 2601.

CCR (15)(3), §§ 3000; 3002(A)(2); 3044(C), (D), (E) and (F); 3045 and 3045.1; 3170 through 3178; 3383(A), (B)(3) and 3343.

ACA Standards, Second Edition, §§ 4325 and 4384.